

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 130 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

RAGHU SAVA PRAJAPATI -DIED THRO'HEIRS

Versus

DARJI KHIMJIBHAI DEVJIBHAI DIED THRO'HEIRS

Appearance:

MR BD KARIA, L.A. for Petitioners

MR YS LAKHANI, L.A. for the respondents.

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 20/02/97

ORAL JUDGEMENT

1. Rule. Service of rule waived by Mr. Y.S. Lakhani, learned advocate for the respondents.

2. By way of this revision application u/S. 29(2) of the Bombay Rents, Hotel and Lodging House Rates Control Act, 1949, the petitioners (original defendants) have brought under challenge decree for eviction of the suit premises passed by the learned Joint Civil Judge

(J.D.), Morbi on 12/2/1993 in Regular Civil Suit No. 392 of 1984 as confirmed by the learned Assistant Judge, Morbi in Regular Civil Appeal No. 7 of 1993 as per judgment and order dated 4/11/1996.

3. After some amount of submissions the petitioners prayed for grant of some reasonable time to vacate the suit premises, through their learned advocate Mr. B.D. Karia.

4. Having heard the learned advocates for the parties, I am of the opinion that if time upto 28/2/1999 is granted, the same would serve the ends of justice. Following directions are, therefore, issued :-

The decree for eviction and the other decree passed by the Courts below would stand confirmed subject to the modification that the petitioners are granted time to vacate the suit premises upto 28/2/1999 on condition that the petitioners file usual undertaking before this Court inter-alia stating therein that they will not transfer or assign the suit premises to any one else and that they will hand over peaceful and vacant possession of the suit premises to the respondents or any of them on or before 28/2/1999 within four weeks from today.

Rule made absolute to the aforesaid extent only.

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